

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VARIANCE

VAR-23019 - PUBLIC HEARING - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: STUART APOLLO - Request for a Variance TO ALLOW A NINE FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on the north side of Vegas Drive, approximately 275 feet east of Rainbow Boulevard (APN 138-23-401-006), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

27

City Council Meeting

18

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest postcards
7. Submitted after final agenda – Protest postcards for Items 103 and 104
8. Backup referenced from the 08-23-07 Planning Commission Meeting Item 7

Motion made by RICKI Y. BARLOW to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-STEVE WOLFSON)

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 103-105.

MARCIA MURPHY stated she did not see a site plan and was concerned about the reduced setbacks. From those she has spoken to, they strongly oppose the reduced setbacks. The

CITY COUNCIL MEETING OF: SEPTEMBER 19, 2007

adjacent homes already have a five-foot setback; if the reduced setbacks requested is granted, there will be minimal access in the rear. The residents do not oppose a market or commercial use, but feel there should be adequate setbacks and sufficient landscaping. She questioned the location of the trash enclosures and the delivery trucks and the impact relative to noise associated with the delivery trucks. The residents would like assurance of easements being in place, the noise level being kept at a minimum including traffic, so the project is less intrusive on their neighborhoods.

LENI SKAAR, 3753 Howard Hughes Parkway, appeared on behalf of the applicant. The total building square footage is approximately 14,000 square feet. The store comprises 10,000 square feet and the remaining square footage is for storage area. She emphasized that the applicant exceeds the residential adjacency setback requirements. The request is a reduced setback to the wall around the Las Vegas Valley Water District (LVVWD) pumping station. The variance is for the back of the loading docks, which will be blocked from the homes, as well as the trash dumpsters.

MS. SKAAR further stated that when the pump station is redone in the Spring, the gate will be moved further to the west so they will be able to complete the entire width of the landscaping. She showed the site plan and reassured this will be a grocery store and cannot exceed 3.3% in front of the area with alcohol. The store will have fresh produce, fresh meat and organic products. MS. SKAAR accepted an additional condition pertaining to prohibiting the sale of distilled liquor.

COUNCILMAN BARLOW verified with MS. MURPHY that she was comfortable with MS. SKAAR'S explanation of the new site plan with regards to the loading docks and trash enclosures, as well as the location of the alcohol in the store. Responding to MS. MURPHY'S query, MS. SKAAR replied that an agreement has been worked out with the LVVWD to install rocks and wrought iron gates with a key. An access agreement will also be granted and a camera will be placed in the back of the loading docks. In addition, the easement has not been reduced from its original width; another easement is being done at a different location. Lastly, they will landscape the entire 20-foot width with shrubs and groundcover.

COUNCILMAN BARLOW stated he has been working with the applicant to ensure sufficient landscaping, appropriate ingress/egress and setbacks. He desired a condition be added to Item 104 prohibiting the sale of distilled liquor at this location, which is a major concern for the residents.

MAYOR GOODMAN declared the Public Hearing closed for Items 103-105.